



Human Rights Watch
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The Report of the Fact Finding Mission should prompt the Israeli government to respect its human rights obligations to Palestinians in the West Bank, where Israel is the occupying power.

In particular, Israel should end policies that not only transfer its civilians into the occupied territory, in violation of the laws of war, but that harshly discriminate against Palestinians with no legitimate security or other justification.

As the Mission and Human Rights Watch have documented, in both East Jerusalem and "Area C" of the West Bank, where Israel has exclusive control, the two-tier system in effect provides generous financial benefits and infrastructure support to promote life in Jewish settlements, while deliberately withholding basic services, punishing growth, and imposing harsh conditions on Palestinian communities. Such different treatment that is not narrowly tailored to legitimate goals violates the fundamental prohibition against discrimination under human rights law.

Israeli authorities have confiscated Palestinian-owned lands and allocated them to settlements. They have refused to provide access to water, electricity and road networks for Palestinians in many areas under exclusive Israeli control, and have demolished Palestinian homes, water cisterns and other structures. The Israeli military has confiscated tents provided by humanitarian agencies to Palestinians whose homes it demolished.

Israel has purported to justify its actions on the basis that Palestinians lacked the required building permits or that they live in areas off-limits to them. In practice it is almost impossible for Palestinians, whom Israel has excluded from planning bodies, to obtain building permits. Yet Israel has encouraged settlers to move into these areas by providing access to housing, utilities, roads, and other benefits.

By making some areas virtually uninhabitable for Palestinians, Israel's policies have frequently had the effect of forcing residents to leave their communities.

Human Rights Watch supports the Report's recommendation that businesses should investigate, prevent and mitigate such violations, including ending any operations that cannot be separated from discriminatory Israeli practices. Human Rights Watch found that businesses have contributed to or benefited from discrimination against Palestinians, for example through commercial activities on lands that were unlawfully confiscated from Palestinians without compensation for the benefit of settlers. These businesses also benefit from discriminatory access to infrastructure, permits, and export channels.

Human Rights Watch also endorses the Report's recommendation that third parties not provide incentives for settlement exports through preferential tariff treatment, and ensure that they label settlement products on their markets in order to allow consumers to make informed choices.

As the Report notes, the Rome Statute of the International Criminal Court criminalizes the transfer of an occupier's civilian population into the occupied territory and the forcible transfer of Palestinians within the West Bank. To promote respect for international law by all parties, the government of Palestine should seek access to the ICC, and other countries should cease putting pressure on Palestine not to do so.